

271/294

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Not Yet Assigned

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/US00/24213	01 September 2000	02 September 1999

TITLE OF INVENTION  
CYTOMEGALOVIRIUS-ENCODED IL-10 HOMOLOG

APPLICANT(S) FOR DO/EO/US  
PESTKA, Sidney and KOTENKO, Sergei V.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- 1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- 2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- 3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- 4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
- 5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
- 6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
- 7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
- 8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- 9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- 10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- 11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- 12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- 13.  A FIRST preliminary amendment.
- 14.  A SECOND or SUBSEQUENT preliminary amendment.
- 15.  A substitute specification.
- 16.  A change of power of attorney and/or address letter.
- 17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
- 18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
- 19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- 20.  Other items or information:

RECEIVED

DEC 1 2002

TECH CENTER 1600/290C

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)  
Not Yet Assigned

INTERNATIONAL APPLICATION NO.  
PCT/US00/24213

ATTORNEY'S DOCKET NUMBER  
271/294

21.  The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	13 - 20 =	0	x \$18.00	\$ -0-
Independent claims	6 - 3 =	3	x \$84.00	\$ 252.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)	+ \$280.00	\$
---	------------	----

**TOTAL OF ABOVE CALCULATIONS =** \$ 482.00

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$ 241.00

**SUBTOTAL =** \$ 241.00

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =** \$ 241.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =** \$ 241.00

Amount to be refunded:	\$
------------------------	----

charged:	\$
----------	----

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 12-2475 in the amount of \$ 241.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-2475 A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Sandra S. Fujiyama  
Lyon & Lyon LLP  
633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066

SIGNATURE

Sandra S. Fujiyama

NAME

46,713

REGISTRATION NUMBER

**TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE**

Date	February 22, 2002
International Application No.	PCT/US00/24213
Attorney Docket No.	271/294

**I. Certification under 37 CFR 1.10 (if applicable)**

EL533100725US

February 22, 2002

Express Mail mailing number

Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing correspondence

Rachel Marquez

Typed or printed name of person mailing correspondence

**II.  New International Application**

TITLE

Earliest priority date  
(Day/Month/Year)

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A.  The invention disclosed was not made in the United States.
- B.  There is no prior U.S. application relating to this invention.
- C.  The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority.)
 

application no.	filed on
application no.	filed on
- D.  The present international application contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages \_\_\_\_\_ and  DOES NOT ALTER  MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

RECEIVED

DEC 1 0 2002

TECH CENTER 1600/290

**III.  A Response to an Invitation from the RO/US. The following document(s) is(are) enclosed:**

- A.  A Request for An Extension of Time to File a Response
- B.  A Power of Attorney (General or Regular)
- C.  Replacement pages:

pages	of the request (PCT/RO/101)	pages	of the figures
pages	of the description	pages	of the abstract
pages	of the claims		

- D.  Submission of Priority Documents

Priority document	Priority document
-------------------	-------------------

- E.  Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

**IV.  A Request for Rectification under PCT 91  A Petition  A Sequence Listing Diskette**

**V.  Other (please specify):**

Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371 for U.S. National Filing of PCT/US00/24213.

The person  
signing this  
form is the:

<input type="checkbox"/> Applicant	Sandra S. Fujiyama
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 46,713	Typed name of signer
<input type="checkbox"/> Common Representative	Signature